

Senator Dwyer introduced a bill entitled, "An act to grant lands to the International company, in lieu of bonds, on a portion of the line of its road." Read first time, and referred to the Committee on Internal Improvements.

ORDERS OF THE DAY.

House bill, No. 146, "An Act to branch the Supreme Court," was read first time and referred to Committee on State Affairs.

Senator Bradshaw moved that the bill be made special order for Saturday next. Lost.

House bill, No. 133, "An act to enlarge and define the boundaries of Wilson county," was, on motion of Senator Ireland, postponed until Wednesday next.

House concurrent resolution, prescribing rules of procedure in cases of removal of judges or other officers, on address, was read first time.

On motion of Senator Camp, the rules were suspended, concurrent resolution read second time and passed to third reading.

On motion of Senator Westfall, the rules were further suspended, the concurrent resolution read third time and passed.

A message from the House was received announcing that the House has spread upon its journals of this day, the address asking the removal of J. J. Thornton, Judge of the Twenty-fourth Judicial District, and appointed as committee to conduct said proceedings, under said address, to act with a committee of the Senate, Messrs. Storey, Lawhon, McLeary, Swain and O'Neal. Also announcing that an address had this day been spread on the journals of the House, asking the removal of Judge J. B. Williamson, of the Sixth Judicial District; and, also, the passage of a resolution asking that said address be spread on the journals of both houses; and that the said Judge Williamson, who resides in the county of Harrison, in said district, be notified to appear on the twenty-first day of February, 1874, and make his defense to the causes set out in this address; also that the House has appointed a committee to conduct proceedings under said address, said committee being Representatives Goodwin, Rainey, Anderson, Denman and Cochran. The President appointed Senators Ireland, Wood and Erath as the committee on the part of the Senate, to act with the House committee on the address just announced.

House bill No. 6, "An act to ascertain the amount due to the teachers of the public free schools of this State for services rendered as teachers, prior to July 1, A. D. 1873, and to provide for the payment of the same, and regulating verification and disbursement." Read first time and referred to Committee on Education.

On motion of Senator Ball, the Senate adjourned to 10 o'clock A. M. to-morrow.

TWENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, February 13, 1874. }

Senate met pursuant to adjournment.
Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday adopted.

Senator Davenport asked for a further leave of absence for Senator Bradley for two days, on account of sickness. Granted.

Senator Westfall presented a petition for the relief of Daniel A. James. Read and referred to the Committee on State Affairs.

Senator Ireland, chairman Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your committee, to whom was referred Senate bill No. 93, "An act to validate 'An act to encourage stockraising and for the protection of stockraisers,'" have examined and considered the same, and instruct me to report it back, with the printed bill as a substitute, and recommend the passage of said substitute.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred Senate bill No. 85, "An act to fix the times and places of holding the Supreme Court," beg leave to report the same back, with the recommendation that it do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your committee, to whom was referred Senate bill No. 87, "An act for the relief of the several justices of the peace, of the several counties of this State, for assessing the taxes for the year A. D. 1873," having examined and considered the same, report it back with the recommendation that it do not pass.

All of which is respectfully submitted,

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your committee, to whom was referred Senate bill No. 87, "An act to refund the one per cent. school tax," beg leave to report the same back, with the recommendation that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your committee, to whom was referred Senate bill No. 99, "An act to regulate pawnbrokerage," respectfully report the same back, with the recommendation that it do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your committee to whom was referred House bill No. 70, "An act to authorize the appointment of an attorney at law, in certain cases to act as district attorney," instruct me to report the same back, with the recommendation that it do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your committee, to whom was referred House bill No. 55, "An act to suspend the powers of an act entitled 'An act to levy a special tax in the county of Angelina,'" passed May 23, 1873, respectfully report the same back, with the recommendation that it do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your committee to whom was referred House bill No. 74, "An act to authorize the County Court of Panola county to levy and collect a special tax for the payment of the indebtedness of said county," respectfully report the same back, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your committee, to whom was referred House bill No. 60, "An act to authorize the County Court of Rockwall county to collect a tax to build a jail, respectfully report the same back, with the recommendation that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your committee, to whom was referred Senate bill No. 104, "An act to prescribe the time of holding the annual sessions of the Legislature," instruct me to report the same back, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your committee, to whom was referred Senate bill No. 130, "An act to exempt earnings of laborers, mechanics and artisans, to a certain extent, from the payment of debts by legal process," instruct me to report it back with the following amendment: Amend by striking out the word "provided," in the latter part of section one, and recommend that the same do pass as amended.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your committee, to whom was referred Senate bill No. 121, "An act to prohibit clerks of district courts from drafting instruments of writing to be recorded in their offices," respectfully report the same back, with the following amendment: Amend by inserting "for compensation," at the end of section one, and recommend that the same, as amended, do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your committee, to whom was recommended Senate bill No. 23, "An act to expedite business in the district courts," having had the same under careful examination and consideration, instruct me to report the same back, with the recommendation that it do not pass.

IRELAND, Chairman.

Senator Stirman, chairman of Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:
Your Committee on State Affairs, to whom was referred House bill No. 146, "An act to branch the Supreme Court," have carefully examined and considered the same, and a majority of your committee instruct me to report it back, with the recommendation that it do pass, with the following amendment, to-wit: "Strike out 'Dallas' and insert 'Tyler.'"

All of which is respectfully submitted,

W. B. STIRMAN, Chairman.

Senator Randle, chairman of Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:
Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 75, "An act to amend 'An act prescribing the times of holding the courts in the several judicial districts in the State,'" approved November 25, 1871, and find the same correctly engrossed.

ED. RANDLE, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your Committee on Engrossed Bills, beg leave to report that they have carefully examined and compared Senate joint resolution No. 118, "Joint resolution instructing the Attorney General to bring suit against James Davidson, late Adjutant General, and to prevent the sale of property in this State held in his name until the termination of said suit;" also, Senate bill No. 60, "An act concerning the forfeiture of certain sheep and goats;" also, Senate bill No. 70, "An act for the relief of the several justices of the peace of the several counties in this State, making a list of the scholastic population of their respective counties for the years A. D. 1872 and A. D. 1873;" each and all of which we find correctly engrossed.

ED. RANDLE, Chairman.

Senator Culberson, chairman of Committee on Internal Improvements, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:
Your Committee on Internal Improvements, to whom was referred Senate bill No. 105, "An act to amend 'An act incorporating the Austin and Pacific Short Line Railroad Company,'" have had said bill under consideration, and the committee instruct me to report the accompanying amendments, and to recommend that the bill as amended do pass.

CULBERSON, Chairman.

Senator Dillard introduced a bill, entitled "An act to repeal all laws and parts of laws enacted by the Legislature of the State of Texas, empowering counties, cities and towns, to levy taxes for the purpose of making donations to railroad, and other private corporations." Read first time and referred to Committee on State Affairs.

Senator Baker introduced a bill entitled "An act for the relief of the heirs of James George." Read first time and referred to Committee on Private Land Claims.

Senator Stirman introduced a bill entitled "An act defining the duties and prescribing the powers of mayors, boards of aldermen, and other officers of incorporated cities and towns in the State of Texas." Read first time and referred to the Judiciary Committee.

Senator Westfall introduced a bill entitled "An act to establish a normal school at Harmony, Walker county, Texas." Read first time and referred to the Committee on Education.

Senator Westfall introduced a bill entitled "An act providing for the remission of forfeitures accrued against parties during their active service in the army of the republic." Read first time and referred to Committee on Private Land Claims.

By leave, Senator Swift submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your special joint committee, to whom was referred the apportionment of committee rooms between the House of Representatives and the Senate, beg leave to submit the following report: In the basement all the rooms on the north side, except the Lieutenant Governor's, to be used by the House of Representatives, together with the library room up stairs. All the south rooms of the basement, except the State Department and Adjutant General's, for the use of the committees of the Senate, with ante-chamber up stairs.

All of which is respectfully submitted.

W. H. SWIFT, Chairman.

Senator Swift also introduced a joint resolution in regard to the use of rooms of committees for the two houses. Read first time, and, on motion of Senator Swift, rules suspended and joint resolution ordered engrossed.

On motion of Senator Swift, the rules were further suspended, resolution read third time and passed.

ORDERS OF THE DAY.

House bill No. 109, "An act to amend article 757 of 'An act to adopt and establish a penal code for the State of Texas,'" approved August 26, 1856, was read first time and referred to the Judiciary Committee.

House bill No. 100, "An act to provide for supplying the records of Limestone county, destroyed by fire," was read first time and referred to Judiciary Committee.

House bill No. 77, "An act to amend section one of 'An act to incorporate the Texas Banking and Insurance Company,'" approved June 28, 1870, was read first time and referred to Committee on State Affairs.

House bill No. 13, "An act to amend sections nineteen and twenty of 'An act regu-

lating elections,'" approved March 31, 1873, was read first time and referred to the Judiciary Committee.

The hour for the special order having arrived, to-wit: the consideration of Senate joint resolution No. 12, "Returning thanks to the President for upholding the right of local self government in Texas," with an amendment from the House, the question being whether the Senate would concur in the House amendment.

Senator Westfall moved that the Senate go into a committee of the whole for the consideration of said House amendment. Carried.

IN SENATE.

Senator Westfall rose and reported progress of the committee of the whole, and stated that the committee recommend that House amendment be concurred in. Carried.

Senator Ireland submitted the following protest, and asked that it be spread upon the journal of the Senate:

Hon. R. B. Hubbard, President of the Senate:

I was not present when the joint resolution, returning thanks to the President of the United States, was passed by this body. The resolution having been returned by the House of Representatives, with amendments, and inasmuch as, in my opinion, the amendments by the House of Representatives, are improvements to the resolution, and the only question here being shall the Senate concur in the House amendments, and inasmuch as the resolution in my judgment, either in its original shape, or as amended, ought not to pass without further amendments, I desire to spread upon the journals, this my reason for not supporting the amendments offered by the House of Representatives. Respectfully,

JOHN IRELAND.

A message from the House was received announcing the passage of House concurrent resolution, to appoint a special committee on financial condition of the State; also, announcing that the House had appointed as said committee, representatives Moody, Epperson and Delany; also, presenting to the Senate the address in the case of Judge J. B. Williamson, judge of the Sixth Judicial District, with accompanying resolution of the House; and also, announcing that the House had appointed as the committee on said address, representatives Goodwin, Rainey, Anderson, Denman and Cochran.

To His Excellency Richard Coke, Governor of the State of Texas:

The House of Representatives of the State of Texas, the Senate concurring therein, do address your Excellency, and state that one J. B. Williamson, who now holds the office of District Judge of the sixth Judicial District, in the State of Texas, composed of the counties of Harrison and Rusk, is unfit

to hold said office. And we, the House of Representatives and Senate, do request that the said J. B. Williamson, be removed from said office for the following reasons, reserving the right to add additional causes for his removal:

First. *Incompetency*—in this, that the said J. B. Williamson is not sufficiently learned in the law, and has not the mental capacity to become so learned.

That the said J. B. Williamson, is not sufficiently learned in the practice and the rules of practice of the courts of this State.

That the said J. B. Williamson is unable by reason of his said incompetency, to submit to a jury a general charge of the law, in a case of any complication, and has adopted, as almost an universal practice in civil cases, in the court of the Sixth Judicial District, submitting special issues to be found by the jury, in many cases numbering as high as thirty to forty. And for many other reasons is the said J. B. Williamson incompetent to the office of district judge.

Second. *Neglect of duty*—in this, the said J. B. Williamson does, as a usual thing, hinder and delay the business of the district court in the said Sixth District, and especially of the District Court in the county of Harrison in said district, by convening said court at a late hour; and during the sessions very frequently sitting on the bench for an hour, sometimes for hours, apparently in no wise engaged, doing no business and allowing none to be done, while litigants, witnesses, jurors and attorneys are idly waiting, to the great detriment of the business of the court and the county; and in frequently adjourning the court to a particular time and in not opening the court for hours thereafter; And in refusing to give any information to parties, attorneys or the officers of the court, as to what time the court would be opened, thereby keeping in attendance, in and about the court house, for such indefinite time, parties, jurors, witnesses and attorneys, to the great detriment of the business of the court and the county; and in failing and refusing to call the motion docket or to hear motions, until the last day of the term of the court, during, as in Harrison county, a session of eight weeks; and failing and refusing to give any judgment on motions in said court till the last day of said terms, thereby depriving parties of an opportunity of making proper preparation of cases for appeal; and in withholding judgments on special verdicts returned by juries, for weeks at a time, and until the last day of the term of the court, thereby depriving parties of the necessary time to prepare cases for appeal, and driving them to the necessity of preparing and filing statements of facts, after the adjournment of

the court, a practice prohibited by the statute.

That at the term of the District Court of Harrison county, in the case of Morrison and Woodson v. S. G. Alexander *et al.*, said cause having been tried about the third week of said term, the jury returning a special verdict, under the direction of the court, the said Williamson as judge of said court failed and refused to render a judgment upon said verdict, after repeated applications of plaintiffs' attorneys therefor, the said term of said court remaining in session at least four weeks after the returning of said verdict, rendering it necessary for said plaintiffs to move at a subsequent term of said court for a judgment on said verdict, thereby and by such means, prevented and defeated said plaintiffs from preparing said cause for appeal to the Supreme Court, and rendering it necessary for said plaintiffs to abide the said judgment rendered at the subsequent term of said court to their great damage.

Third. *And for other reasonable causes*—in this, that about the early part of the year 1871, the said J. B. Williamson, then being judge of said district, did with others, establish, own and publish, and caused to be published, a newspaper in the city of Marshall, in said Sixth District, known and called the *Marshall Weekly*. And did cause and procure the said newspaper, to be by Governor E. J. Davis, designated as the official publishing journal for the said Sixth District, under the provisions of the act of the Twelfth Legislature, known as the "printing bill." And the said Williamson, with the said other persons, did accept, receive and publish all the official publications in said district, in said newspaper, for which they, the said owners and managers of said paper, with the full knowledge and approbation of said Williamson, did demand, charge and receive, from twenty-five to two hundred per cent. more than they, by the statute, were authorized to charge and receive.

That at the term of the District Court of Harrison county, one Wm. Mumbdenstock, who was then the proprietor of said newspaper, was indicted by the grand jury of said county of Harrison, for demanding and receiving greater fees for said publications than was authorized by law. And the said Williamson, at the same term of said court, he then being interested in said paper and part owner thereof, dismissed said bills of indictment and discharged said Mumbdenstock from arrest.

That the district attorney of said district, at said term of the court, at which, said indictments were found, declined and refused to prepare said bills against the said Mumbdenstock and did refuse to prepare bills against other officers of said county of Har-

risen and of the said city of Marshall, at the request of the grand jury, and said grand jury procured said bills to be prepared by other attorneys at law. And the said Williamson being informed of such facts, at the next term of said district court, in his charge to the grand jury, instructed them that they could look alone to the district attorney for advice and to prepare bills of indictment, and that if they or any of them sought information and advice and the preparation of bills from any other person, that he would visit upon them fines therefor and imprisonment if necessary. And if any other person or persons offered to render them such assistance that he charged them to report such person to the court, and that for such contempt he would impose upon such person the heaviest fine, thereby seeking to protect and shield the said officials from punishment for crimes and misdemeanors of which they were suspected of having committed, and prevent and hinder any investigation into the official conduct of said officials.

That about the first of June, 1871, the said Williamson did write, prepare and cause to be published in said *Marshall Weekly* a false, bitter and denunciatory article against the people of Marshall and Harrison county, charging them with riot and riotous spirit, and urging upon the authorities the immediate necessity of sending to Marshall a large force of armed State police to preserve peace and quiet there, and to protect him in holding court then in session; and did, with others of his political partisans, by telegraph and otherwise, urge upon Governor E. J. Davis to send at once an armed force of State police to Marshall to preserve peace and order and to protect him in holding the court, falsely representing to the Governor that there was then prevailing there a state of riot. All of which he and his associates then knew to be false.

The said Williamson wrote and caused to be published in said newspaper about the . . . day of 1872, a false and slanderous article of and concerning the arrest of one John Roberts, and with a view and intent to prejudice the public against said Roberts, there being then in the District Court of Harrison county an indictment pending against said Roberts for murder, and upon the trial of which cause at that term of the court, the said Roberts was found not guilty.

That upon the trial of said cause against the said Roberts, Wm. H. Pope, Esq., as attorney for the defendant, in his address to the jury, in urging the jury to try the case upon the law and the facts, and to disregard any and all outside influences, alluded to the said article in the said newspaper, and the probable effect which the same might have upon their deliberations and conclusions,

urging them to guard against such influences and their effects, whereupon and for which reason the said Williamson, then presiding as said judge, fined the said attorney the sum of twenty-five dollars.

That the said Williamson did about the . . . day of 1872, he then being judge as aforesaid, counsel and advise one C. G. Stephens, who was then acting as and pretending to be mayor of the city of Marshall aforesaid, to arrest and imprison one James H. Van Hook, a highly respectable citizen of said city of Marshall and a responsible merchant and manufacturer of said city, for the refusal of said Van Hook, to pay a certain tax imposed by the board of aldermen of said city, and which the said Van Hook claimed to be illegal, and desired to test the same in the courts. But the said Williamson conspiring with the said Stephens and with the malicious intent to extort said tax from said Van Hook, believing the said Van Hook would pay said tax before he would be imprisoned in the county jail for any length of time, informed said Stephens of the day upon which he, the said Williamson would leave said town for the Rusk county District Court, and advised and counseled said Stephens to cause said Van Hook to be arrested upon his departure, and there being no district judge near who would grant the writ of *habeas corpus*; that imprisonment of said Van Hook for at least a day would result; and upon the advice aforesaid, said Stephens acted, and the said Van Hook was imprisoned in the county jail, and to liberate himself did pay said illegal tax.

That at the next term of said district court thereafter, the said Stephens was indicted for the said false imprisonment of said Van Hook, and tried at the same term, was found guilty and fined in the sum of two hundred dollars.

That said Williamson, then presiding in said court, immediately upon the return of said verdict, inquired of defendant's attorneys if they would move for a new trial, and upon being answered affirmatively, he replied, if in common form it was granted; and then, while the motion was being prepared, the same was by the court granted and the defendant discharged on his bail, and soon thereafter fled the country and is now a fugitive from justice.

That the said Williamson did about the . . . term 1871, remove from the office of justice of the peace of precinct No. 8 in said county of Harrison, the same being the precinct of the county sent in said county, H. D. Smith, who was then the presiding justice in said county, without any information or indictment, with the intent, conspiring with other persons and political partisans of the said Williamson, of securing the control of the police court of said county, to his said polit-

ical partisans, which result then ensued after the removal of said Smith, to the great detriment of the said county of Harrison. Which judgment of removal, was by the Supreme Court reversed and the said Smith restored to his said office.

That the said Williamson as judge of said court did, at the . . . term of said court 1871, of his own motion and without any information or indictment filed, remove Y. T. Perry, from the office of justice of the peace in precinct No. 1 in said county, with the intent then and there to secure to his said political partisans, the full control of said police court. And the said Williamson upon the trial of his said motion against said Perry, offered a series of abusive, insulting and vindictive inquiries, remarks and suggestions, to the said Perry, and utterly ignoring the written defenses filed in answer to said motion, by said Perry, by his attorney, and utterly ignoring and failing to recognize said attorney as the representative of said Perry, required the said Perry to answer orally his said motion. And, thereupon, the said Williamson made his order removing said Perry, in which order many facts, as grounds of removal are recited, which were not urged against said Perry, and which were not made by the writings filed in the case, and concerning which there was no proof offered, or attempted to be offered. Which said grounds were falsely recited in said order, to prevent the same from being reversed by the Supreme Court. And the trial of said motion was had at a time and under such circumstances as to render said Perry unable to prove a bill of exceptions, taken by his said attorney. And the said Williamson, maliciously refused to sign any bill of exceptions, to the great injury of said Perry.

That in the trial of the cause of McKinney v. Andrews, in the District Court of Harrison county, August term, 1873, plaintiff's attorney prepared a charge upon a certain point in the case and asked the court to submit the same to the jury. And the said Williamson, then presiding in said court, interlined said charge, asked by said attorney, intentionally changing the proposition and adversely to the cause of the plaintiff; and so interlined and changed, submitted said charge to the jury over the signature of said attorney, and as a charge asked by said attorney, for the malicious purpose of injuring plaintiff's cause and deposing and injuring the said attorney.

That in the trial of the cause of Dial v. Johnson, in said District Court of Harrison county, at the August term of said court, the attorneys for the parties failed to agree to a statement of facts, so far as the testimony of Johnston, the defendant, a witness called by the plaintiff, was concerned, which devolved upon said Williamson, as said

judge, the duty of making said statement of facts, so far as said witness's evidence was concerned, the plaintiff having called said witness, and, upon direct examination, elicited facts as she desired; and, upon cross examination, by defendant's attorneys, many facts were elicited adversely to plaintiff's cause; and the said Williamson, in making said statement, neglected and refused to show that said adverse testimony was elicited upon cross examination after the matter had been called to his attention by plaintiff's attorney, and fully argued upon by attorneys for both parties, thereby causing it to appear that the whole of said testimony of said witness was elicited by said plaintiff, and thus acting with the malicious intent and purpose to disparage said plaintiff's cause in the Supreme Court, upon appeal, which was then being prepared.

That upon the trial of the case of *The State v. F. M. Boynton*, for assault upon a freedman, tried in the District Court of Rusk county at the . . . term, 187-, the said Williamson caused to be arrested and imprisoned in one of the jury rooms in the court house, a female witness, Lucinda Lowsha, immediately after she had testified for defendant, with the malicious intent of discrediting said witness with the jury and of destroying the force of her testimony, and for the purpose of securing the conviction of said defendant Boynton.

That in the District Court of Rusk county, at the . . . term thereof, upon the trial of *The State of Texas v. . . .*, charged with simple felony, the cause was submitted to the jury upon the charge of the court, who retired to consider of their verdict, and were out until about 11 o'clock at night, when they desired to return into court their verdict. N. G. Bagley, who was one of the attorneys in the defense of said cause, in the meantime, after night, gone home to his residence, about three-quarters of a mile from the court, and upon the coming in of said jury, the said Williamson required the said Bagley to be called into court, and the said Bagley not hearing said call and not appearing in court, the said Williamson fined the said Bagley twenty-five dollars, with the intent to vex and harass the said Bagley and to gratify the malice of said Williamson.

That the said J. B. Williamson, as judge of the said district, in utter disregard of his official duties and of the interests of the State of Texas, and with the intent of promoting his political partisans, did approve the bond of S. H. Russell, sheriff of Harrison county, given by the said Russell as collector of the State taxes in the said county of Harrison, dated November 10, 1872, for the sum of thirty-five thousand

dollars, with J. W. Flanagan, A. D. Tinsley, Robert W. Flanagan, J. W. Flanagan, jr., and William Mumblenstock as sureties, which sureties on said bond were, at the date of the execution and approval, wholly insolvent, and which insolvency of said sureties was well and fully known to the said Williamson, at and long before the date of said approval.

For these and many other reasonable grounds, not herein specified, should the said Williamson be removed from office.

Resolved, That this address be entered upon the journals of both Houses of this Legislature, and that the said J. B. Williamson, judge of said Sixth Judicial District, and who resides in the county of Harrison in said district, be notified to appear on the twenty-first day of February, 1874, and make his defense to the causes set out in this address.

The hour having arrived for the consideration of the special order, to-wit: Senate bill No. 58, "An act prescribing the mode of proceeding in district courts, in matters of probate," it was taken up.

Senator Culberson moved to amend as follows: "Provided, that before any sale of the property is made by the survivor, such survivor shall execute a bond, payable to the clerk of the district court, in a sum equal to one-half of the property, conditioned that such survivor shall pay over to the children their interest in the estate, as they become of age."

On motion of Senator Wood, the special order was deferred until next Monday at 11 o'clock A. M., and made special order for that day and hour.

By leave, Senator Culberson, chairman of Committee on Internal Improvement submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 136, "An act for the relief of companies incorporated for the purpose of Internal Improvements," have considered the same, and I am instructed by the committee to report the bill back, and recommend that it do pass.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

The Committee on Internal Improvements, to whom was referred Senate bill No. 71, "An act to amend 'An act incorporating the Agricultural, Mechanical and Blood Stock Association of Texas,'" approved April 20, 1866, have considered the same, and the committee instruct me to report the bill, and recommend that it do pass.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

The committee on Internal Improvements, to whom was referred Senate bill No. 118, "An act to limit the amount in

bonds to be issued to the International Railroad Company," have considered the same, and the committee direct me to report the bill, and recommend that it do pass.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

The Committee on Internal Improvements, to whom was referred Senate bill No. 150, "An act to grant lands to the International Railroad Company, in lieu of bonds on a portion of their road," have considered the same, and the committee instruct me to report the bill and recommend its passage.

CULBERSON, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 126, "An act authorizing Irvin Freeman and others to construct a draw bridge across the Nueces river, between Nueces and San Patricio counties," have considered the same, and the committee instruct me to report the bill back and recommend that it do not pass.

CULBERSON, Chairman.

Senator Westfall asked leave to withdraw certain memorials in the hands of the Committee on State Affairs. Granted.

House bill No. 4, "An act to fix the venue in certain cases," was read first time and referred to Judiciary Committee.

House bill No. 186, "An act to create and organize the county of Tom Green," was read first time and referred to Committee on Counties and County Boundaries.

House bill No. 171, "An act to amend section second of an act entitled 'An act to protect the wool-growing interest of Texas,'" approved December 28, 1861, was read first time and referred to Committee on Stock and Stockraising.

Senate bill No. 112, "An act to amend 'An act concerning divorce and alimony,'" approved January 6, 1841, approved May 21, 1873, was read second time and ordered engrossed.

Senator Ireland asked for leave of absence for Senator Ledbetter, for eight days, beginning to-morrow. Granted.

By leave, Senator Allison introduced the following minority report from the Committee on State Affairs:

Hon. R. B. Hubbard, President of the Senate:

The minority of the Committee on State Affairs would ask leave to submit the following minority report on House Bill No. 146, to establish branches of the Supreme Court of the State of Texas. We find bill from the House with Galveston and Dallas, as the points selected by that body, and are satisfied that such action was unbiased by prejudice or favoritism; and after a thorough, and, as we believe, full and fair discussion these points have been selected by those who are as fully impressed with the desire to regard the feelings of the

people as we can possibly be, and would only present a few facts to sustain their action and that of the minority of your Committee.

There seems but little, if any, dissent as to Galveston being one of the places. Now, as to the points of Dallas and Tyler, we would submit the following facts: Tyler has one railway, running northeast, passing the city, and crossing the Texas and Pacific some distance above the city, and this is the only way to reach the city by rail. Then Tyler is only about eighty miles from the eastern boundary of our State, and over two hundred miles west of said city there are organized counties, and are rapidly filling up, and the cry is, still "further west," and is only retarded in its settlement by savage Indians; then why select Tyler when she has only two ways of entry by rail, one northeast and one southwest, and from east only eighty miles you must run on the Pacific to the crossing of the Great Northern, and then down to said city, and west and north, must reach Dallas and run to said crossing and turn squarely to reach said city. Then how are those to reach Tyler, who are situated one hundred and sixty miles west of Dallas? Simply heavy, rough and ruinous stage fare travel. Now we contend that Dallas has advantages far superior to Tyler, from the fact that the entire east to the line of Louisiana, can reach Dallas by rail, the entire north and northeast are similarly situated, and the south have the same advantages; and Dallas having these advantages over Tyler, and the country west of said city, though now to reach Dallas must be subjected to horseback and stage travel, ere long may have the benefits that the southeast and north now have of reaching said city. Your minority would respectfully recommend the passage of the bill without amendment.

R. D. ALLISON.

On motion of Senator Wood, the Senate adjourned to 10 o'clock A. M. to-morrow.

TWENTY-SEVENTH DAY.

SENATE CHAMBER,

AUSTIN, February 14, 1874.

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

On motion of Senator Camp, Senator Culbertson was excused indefinitely, on account of sickness in his family.

On motion of Senator Swift, Senator Ireland was excused until Tuesday next.

Senator Dwyer moved that Senate bill No. 148, "An act to limit the amount in bonds to be issued to the International Railroad Company;" and Senate bill No. 150,

"An act to grant lands to the International Railroad Company, in lieu of bonds, on a portion of their road," be taken from the calendar, and one hundred copies of each be printed. Carried.

Senator Wood presented a memorial from citizens of Robertson county. Read and referred to Judiciary Committee.

Senator Moore presented a petition from members of the Eighth Judicial District, asking for a criminal court. Read and referred to Judiciary Committee.

Senator Randle, chairman of Committee on Engrossed Bills, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 112, "An act to amend an act entitled 'An act to amend section eleven of an act entitled an act concerning divorce and alimony,'" approved May 27, 1873, and find the same correctly engrossed.

ED. RANDLE, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 89, "An act to incorporate the Southwestern Railroad Company, and to grant lands to aid in the construction of its road," and find the same correctly engrossed.

ED. RANDLE, Chairman.

Senator Flanagan, chairman of Committee on Counties and County Boundaries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 26, "An act entitled 'An act creating two counties out of the territory of Refugio county,'" have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend that it do not pass. Respectfully,

WEBSTER FLANAGAN, Chairman.

Senator Erath, chairman of Committee on Private Land Claims, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 72, "An act to amend 'An act to authorize the cancellation of patents in certain cases,'" approved February 3, 1854, have carefully examined and considered the same, and instruct me to report it back, with the recommendation that it be referred to the Judiciary Committee.

O. B. ERATH, Chairman.

On motion of Senator Erath, the bill was referred to the Judiciary Committee.

Senator Westfall, chairman of Committee on Education, submitted the following reports: